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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,014	10/26/2001	David Claramunt	60013030-1	5017

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,014

Applicant(s)

CLARAMUNT ET AL.

Examiner

Dan Colilla

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2001 and 13 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-16 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

There is no reference numeral "310" in Figure 2 as described on page 10, lines 13-14, of the specification.

Additionally, applicant states that "310" is used in association with a pinch wheel.

However, the structure in Figure 4 that is associated with reference numeral "310" does not appear to be a pinch wheel.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 25 is objected to because of the following informalities:

In claim 5, line 3, "the contact region" has no antecedent basis in the claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9-10, 13-16 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (JP 62-185652).

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With respect to claims 1 and 13, Takahashi et al. discloses a media advancing device including a roller 6 with an upper surface forming a contact region and an outer surface having a plurality of openings 6a as shown in Figures 1-2 of Takahashi et al. Although not explicitly mentioned in the English abstract, a negative pressure mechanism is inherent in the device since roller 6 is a suction roller. Figure 2 of Takahashi et al. shows the suction passing through the top openings in roller 6.

With respect to claim 2, a vacuum source is also inherent in a system in which a negative pressure is applied so that air moves from a higher pressure area to a lower pressure area. A vacuum chamber is formed by the block 5 and surface 5a as shown in Figure 1 of Takahashi et al.

With respect to claim 3, the roller 6 disclosed by Takahashi et al. is partially housed by the slot as shown in Figure 2 of Takahashi et al.

With respect to claims 4 and 15-16, Figures 1-2 of Takahashi et al. show that the roller is housed in a slot that is above the vacuum chamber so that some of the openings 6a are in the contact regions providing substantially the only entrance for air from the slot to the vacuum chamber.

With respect to claim 14, Takahashi et al. discloses openings and a vacuum source as mentioned above.

With respect to claims 9 and 21, Figure 1 of Takahashi et al. shows that the apertures are circular.

With respect to claims 10 and 22, the openings 6a are equidistantly spaced as shown in Figures 1-2 of Takahashi et al.

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5. Claims 1, 12-13 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US 4, 840,369).

With respect to claims 1 and 13, Takahashi discloses a media advancing device including a roller 110 having an outer surface with a plurality of openings 122 as shown in Figure 3 of Takahashi. Additionally, Takahashi discloses a negative pressure mechanism, part of which is not shown and part of it including suction passage 128 as shown in Figure 4 of Takahashi.

With respect to claims 12 and 24, the suction passage 128 is an axial exhaust. Although not shown, a vacuum source would be inherent in a device that creates suction. The suction passage 128 is in fluid communication with the openings 122.

With respect to claim 25, Takahashi discloses the method of advancing a media A onto a contact region of a roller 28 having a plurality of openings 40 as shown in Figures 1-2 of Takahashi. A negative pressure is generated through the suction chamber 26 as described in col. 3, lines 42-48. This provides a suction through the holes 40 in the contact region of the roller 28. In col. 4, lines 31-37, Takahashi discloses that the roller 28 is rotatably driven to advance the media sheet A.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (JP 62-185652). as applied to claims 1-4, 9-10, 13-16 and 21-22 above, and further in view of Cleveland.

Takahashi et al. discloses the claimed media advancing device except that it is not known to the examiner if the outer surface of the roller includes a coating having a high coefficient of friction. However, Cleveland teaches a media advancing device including a roller 34 that is covered with grit (Cleveland, col. 4, lines 24-27). It would have been obvious to combine the teaching of Cleveland with the media advancing device disclosed by Takahashi et al. for the advantage of providing a surer grip on the media so that it does not slip.

*Allowable Subject Matter*

8. Claims 5-8 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

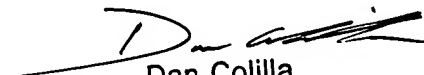
Claims 5-8 and 17-20 have been indicated as containing allowable subject matter because the prior art of record does not disclose the entire combination of a media advancing device including a roller, with a plurality of openings and a contact region, that is partially housed in a slot so that the openings are the only entrance for air through the slot and a shim disposed above the slot having a gap such that the gap is aligned over at least a portion of the contact region.

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamada is cited to show another example a media advancing device including a vacuum chamber and a media advancing roller.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Dan Colilla  
Primary Examiner  
Art Unit 2854

March 18, 2003